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EXAMINER
DESIR, PIERRE LOUIS

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/643,511	ROSANSKY, RON
	Examiner	Art Unit	
	Pierre-Louis Desir	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
> WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _04 October 2007_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-11 and 13-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-11 and 13-23_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed on 01/16/2007 have been fully considered but they are not persuasive.

Applicants argue that Bekanich I does not describe "communication costs for said usage are attributable to the at least one matter and personal services time from said usage is attributable to the at least one matter."

Examiner understands Applicants' arguments while respectfully disagreeing with Applicants. Also, Examiner wants to remind Applicants that Broadly written claims are broadly interpreted by Examiner.

From the claim's reading, both communication cost and personal services time are related to one matter. Bekanich discloses a method for monitoring call events for "bill-by-the-hour" professionals' activity on a wireless communication device, including a wireless telephone and a PDA device. This method detects, monitors and displays usage of each call event for a billable or non-billable call of an existing contact in the wireless communication devices' address book or database. This information is then provided to a server that contains related billing software to generate a bill for the contact (see abstract). The wireless communication device wherein the plurality of predetermined types of call events that include at least one of: call event including an call time length relating to a billable or non-billable timed call event of an existing person or persons in the wireless communication devices address book or database stored internally or externally of the wireless communication device. The wireless communication device wherein a call event includes capturing and displaying information in at least one of predefined fields: <u>call</u>

parameters, client name, client number, case number, file number, call start time, call time end, call time total, billable rate, rounding of billable time indicator, multiple call indicator, new call indicator, personal call indicator, business call indicator, "is this call billable" display screen, total call event time, per client call event time, client call reminder, personal call reminder, client call notes, personal call notes and operator customizable fields (see paragraphs 13-17).

From Bekanich any business billable call are calls that are related to a client and communication cost will be accessed accordingly. Both personal services time (i.e., call time length) (see paragraph 7) and communication cost (i.e., billable time) are related to the call. Thus, incoming and outgoing call related to client (personal services) are billed (communication cost related to personal services.

What may be needed in the claim's reading is a language that would specify that the communication cost is the cost associated with air time and/or long distance services. To Examiner, Bekanich disclosure of a billable event associated with incoming and outgoing call on behalf of a client reads on the language of the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 13-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bekanich, Pub. No. 2005/0043065.

Regarding claim 1, Bekanich discloses a method for capturing information related to usage of a wireless handheld device and attributing said usage to one of a plurality of matters (see abstract), the method comprising: receiving entry of at least one matter (i.e., displaying a call event on the screen of the device) (see figs. 1, 4-7, and page 2, paragraph 20); detecting and timing said usage (i.e., detecting a call event, and provide monitoring information indicative of the call time length) (see figs. 1, 4-7, and page 2, paragraph 20); capturing call record information related to said usage in memory of the wireless handheld device (see figs. 1, 4-7, and paragraphs 20 and 30); attributing the at least one matter to said usage of the wireless handheld device (see figs. 1, 4-7, and page 3, paragraph 30); and transmitting captured call record information and said timing of said usage from said wireless handheld device to a database so that communication costs for said usage are attributable to at least one matter and personal services time for said usage is attributable to the at least one matter, wherein the at least one matter relates to communication with or on behalf of at least one client (i.e., Bekanich discloses a method for monitoring call events for "bill-by-the-hour" professionals' activity on a wireless communication device, including a wireless telephone and a PDA device. This method detects, monitors and displays usage of each call event for a billable or non-billable call of an existing contact in the wireless communication devices' address book or database. This information is then provided to a server that contains related billing software to generate a bill for the contact (see abstract). The wireless communication device wherein the plurality of predetermined types of call events that include at least one of: call event including an call time length relating to a

billable or non-billable timed call event of an existing person or persons in the wireless

communication devices address book or database stored internally or externally of the wireless

communication device. The wireless communication device wherein a call event includes

capturing and displaying information in at least one of predefined fields: call parameters, client

name, client number, case number, file number, call start time, call time end, call time total,

billable rate, rounding of billable time indicator, multiple call indicator, new call indicator,

personal call indicator, business call indicator, "is this call billable" display screen, total call

event time, per client call event time, client call reminder, personal call reminder, client call

notes, personal call notes and operator customizable fields (see paragraphs 13-17). The

usefulness of a client call management software system would clearly offer numerous advantages

for mobile professionals and their staff when billing, planning, managing and reviewing their

wireless device client activity and phone charges (see paragraph 5). As can be seen from the

disclosure above, Bekanich discloses a method wherein communication related to personal

services on behalf of a client are being detected, monitored, and displayed for "bill-by-the hour"

professionals activity of a wireless communication device) (see paragraph 26).

Regarding claim 2, Bekanich discloses a method (see claim 1 rejection) wherein said

wireless handheld device provides voice communication and wherein detecting and timing said

usage further comprise detecting an outgoing call and timing said outgoing call (see page 2, and

paragraph 20).

Regarding claim 3, Bekanich discloses a method (see claim 1 rejection) wherein said

wireless handheld device provides voice communication and wherein detecting and timing said

usage further comprise detecting an incoming call and timing said incoming call (see page 2, and

paragraph 20).

Regarding claim 4, Bekanich discloses a method (see claim 1 rejection) wherein said

receiving entry of the at least one matter further comprises prompting for the at least one matter

prior to usage (see page 3, paragraph 32).

Regarding claim 5, Bekanich discloses a method (see claim 1 rejection) wherein said

receiving entry of the at least one matter further comprises prompting for the at least one matter

after usage (i.e., displaying call event information during and after usage).

Regarding claim 6, Bekanich discloses a method (see claim 1 rejection) wherein said

receiving entry of the at least one matter further comprises receiving an alphanumeric string that

identifies the at least one matter (see figs. 1, 7, and paragraphs 30, 55, and 60).

Regarding claim 7, Bekanich discloses a method (see claim 1 rejection) wherein said

receiving entry of the at least one matter further comprises receiving verbally the at least one

matter (i.e., voice alert) (see page 2, paragraph 25).

Regarding claim 8, Bekanich discloses a method (see claim 1 rejection) wherein said

receiving entry of the at least one matter further comprises receiving manually the at least one

matter (i.e., keypad 18 is used by an operator to input commands to CPU) (see page 4, paragraph

56, and page 5, claim 12).

Regarding claim 9, Bekanich discloses a method (see claim 1 rejection) wherein

transmitting the call record information and said usage timing further comprises sending a data

message (i.e., SMS or text message) (see page 5, claim 12).

Regarding claim 10, Bekanich discloses a method (see claim 1 rejection) further comprising using said captured call record information and said timing or said usage is for generating professional services records (see abstract).

Regarding claim 13, Bekanich discloses a wireless handheld communication device (see abstract) comprising: a timer configured to time wireless communication (i.e., clock 19) (see fig. 2, and paragraph 56); an input device to receive call record information comprising at least one client information and matter information from a user related to wireless communication (i.e., display 16) (see figs. 1-2, paragraphs 13-14, and 55-56); storage configured to store call record information and timing information from said timer related to at least one call (see paragraph 7); a communications system to transmit said call record, said at least one of said client information and said matter information, and said timing information to a central data processing system so that communication costs for said usage are attributable to said at least one of said client information and said matter information, and personal services time for said usage is attributable to said at least one of said client information and said matter information relates to communication with or on behalf of at least one client (i.e., Bekanich discloses a method for monitoring call events for "bill-by-the-hour" professionals' activity on a wireless communication device, including a wireless telephone and a PDA device. This method detects, monitors and displays usage of each call event for a billable or non-billable call of an existing contact in the wireless communication devices' address book or database. This information is then provided to a server that contains related billing software to generate a bill for the contact (see abstract). The wireless communication device wherein the plurality of predetermined types of call events that include at least one of: call event including an call time length relating to a billable or non-

billable timed call event of an existing person or persons in the wireless communication devices

address book or database stored internally or externally of the wireless communication device.

The wireless communication device wherein a call event includes capturing and displaying

information in at least one of predefined fields: call parameters, client name, client number, case

number, file number, call start time, call time end, call time total, billable rate, rounding of

billable time indicator, multiple call indicator, new call indicator, personal call indicator,

business call indicator, "is this call billable" display screen, total call event time, per client call

event time, client call reminder, personal call reminder, client call notes, personal call notes and

operator customizable fields (see paragraphs 13-17). The usefulness of a client call management

software system would clearly offer numerous advantages for mobile professionals and their

staff when billing, planning, managing and reviewing their wireless device client activity and

phone charges (see paragraph 5). As can be seen from the disclosure above, Bekanich discloses a

method wherein communication related to personal services on behalf of a client are being

detected, monitored, and displayed for "bill-by-the hour" professionals activity of a wireless

communication device) (see paragraph 26).

Regarding claim 14, Bekanich discloses a device (see claim 13 rejection) wherein said

input device comprises means for prompting said user to enter said client information, said

matter information, or said combination of both (see paragraph 19).

Regarding claim 15, Bekanich discloses a device (see claim 13 rejection) further

including a voice communication system (i.e., voice data, voice call event) (see paragraphs 7 and

56), wherein said timer is configured to time one or more calls through said voice

communication system (cal time monitoring) (see paragraph 7) and said input device is

configured to receive verbally said client information, said matter information, or said combination or both related to the at least one call (see paragraph 12).

Regarding claim 16, Bekanich discloses a device (see claim 15 rejection) wherein a voice communication system (see page 6, paragraph 86) is configured to make one or more calls in response to receiving said client information, said matter information, or said combination of both being entered (i.e., dialing a call) (see fig. 7, and paragraphs 19, 56, and 60).

Regarding claim 17, Bekanich discloses a device (see claim 15 rejection) wherein a voice communication system is configured to prompt for said client information, said matter information, or said combination of both in response to an incoming or outgoing call (see paragraph 19).

Regarding claim 18, Bekanich discloses a system for capturing information related to usage of a wireless handheld device (see abstract) comprising: a database system (i.e., server) storing information related to a plurality of clients and matters wherein the database system is configured to communicate with said wireless handheld device and to said usage of said wireless handheld device to at least one of said plurality of clients and matters wherein the information related to at least one of said plurality of clients and matters relates capturing communication costs and capturing professional services time relating to communication with or on behalf of at least one client (see abstract, and paragraphs 5, 13-17, and 26); and a wireless handheld device (see fig. 1) configured for wireless communication (see abstract and page 1, paragraph 7) and for automatically transmitting the information related to at least one of said wireless handheld device to said database system (see paragraphs 7 and 13), and further configured for attributing the at least one of said plurality of clients and matter to said usage (i.e., providing monitoring

information indicative of the call time length relating to billable timed call event of an existing person or persons) (see paragraph 7).

Regarding claim 19, Bekanich discloses a device (see claim 13 rejection) further comprising display to display information to the user (see fig. 1) wherein the information comprises said call record, and said at least one of said client information and said matter information (i.e., displaying a call event) (see fig. 1, abstract, and paragraph 7).

Regarding claim 20, Bekanich discloses a method (see claim 1 rejection) further comprising storing said captured call record information in a list in said wireless handheld device (i.e., call event information of existing person or persons stored internally in the wireless device) (see fig. 1, paragraph 20).

Regarding claim 21, Bekanich discloses a method (see claim 20 rejection) further comprising accessing said list in order to attribute the at least one matter to said captured call record information after completion of an incoming or outgoing call (i.e., future modification of the stored or captured call event in the database) (see paragraph 20).

Regarding claim 22, Bekanich discloses a method for capturing information related to usage of a wireless handheld device and attributing said usage to one of a plurality of matters (see abstract), the method comprising: receiving entry of at least one matter (i.e., displaying a call event on the screen of the device) (see figs. 1, 4-7, and page 2, paragraph 20); detecting and timing said usage (i.e., detecting a call event, and provide monitoring information indicative of the call time length) (see figs. 1, 4-7, and page 2, paragraph 20); capturing a usage record related to said usage in memory of the wireless handheld device (see figs. 1, 4-7, and paragraphs 20 and 30); storing said usage record in a list in said wireless handheld device (see fig. 1, paragraph 20);

attributing the at least one matter to said usage of the wireless handheld device (see figs. 1, 4-7, and page 3, paragraph 30); and transmitting said captured call record information and said timing of said usage from said wireless handheld device to a database so that communication costs for said usage are attributable to at least one matter and personal services time for said usage are attributable to the at least one matter, wherein the at least one matter relates to communication with or on behalf of at least one client (see abstract, paragraphs 5, 13-17, and 26).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bekanich (Bekanich 1), Pub. No. 2005/0043065, in view of Bekanich (Bekanich 2), (Pub. No. 2004/0209595).

Regarding claim 11, Bekanich discloses a method as described above (see claim 1 rejection).

Although Bekanich 1 discloses a method as described, Bekanich 1 does not specifically disclose a method wherein detecting usage further comprises detecting beginning an email process.

However, Bekanich 2 discloses a method comprising wherein detecting airtime usage comprises detecting opening an email process (see fig. 14B, page 7 and paragraph 94).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Bekanich 2 with the teachings of Bekanich 1 to arrive at

the claimed invention. A motivation for doing so would have been to ensure the accuracy of the

billing process.

Regarding claim 23, Bekanich 1 discloses a method as described above (see claim 22

rejection).

Although Bekanich 1 discloses a method further comprising accessing said list to

attribute the at least one matter to said usage record after the completion of an incoming or

outgoing call event (see paragraph 20), Bekanich does not specifically discloses that the call

event is an email process (after completion of an email process).

However, Bekanich 2 discloses a method comprising wherein detecting airtime usage

comprises detecting opening an email process (see fig. 14B, page 7 and paragraph 94).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Bekanich 2 with the teachings of Bekanich 1 to arrive at

the claimed invention. A motivation for doing so would have been to ensure the accuracy of the

billing process.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

Pierre-Louis Desir
12/15/2007